



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,191	10/08/2003	Kunihiro Tabuchi	YPA-0003	5415
23353	7590	07/14/2004	EXAMINER	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			DESAI, HEMANT	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,191

Applicant(s)

TABUCHI, KUNIHIRO

Examiner

Hemant M Desai

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent (06-080108).

Japanese Patent ('108) discloses a continuous wrapping machine and method for wrapping a magnetic powder (1, fig. 2) in wrapping film comprising a measuring drum (4, figs. 2-3), a sealing drum (3, figs. 2-3), and a sealing device (15, figs. 2-3), the measuring drum including a means for retaining (6, figs. 2-3) measured-out amounts of the magnetic powder on its periphery (5, figs. 2-3) and a means for cutting off the retaining force (7, figs. 2-3) to transfer the measured-out amounts of the magnetic powder to the sealing drum (3), the sealing drum including a means for retaining (12, figs. 2-3) the measured-out amounts of the magnetic powder on a first continuous wrapping film (10, figs. 2-3) fed onto its periphery, the sealing device (15) sealing the first continuous wrapping film (10) and a second continuous wrapping film (11, figs. 2-3), which is fed onto the measured-out amounts of the magnetic powder on the sealing drum, together around each of the measured-out amounts of the magnetic powder, which meets all the claimed limitations.

Regarding claim 2, the measuring drum's comprises the means for retaining the measured-out amounts of the magnetic powder (magnets 6, figs. 2-3), and means for cutting off the retaining force (demagnetization room, 7).

Regarding claim 3, the sealing drum's means for retaining the measured-out amounts of the magnetic powder comprises magnets (suction room 12, figs. 2-3), which are arranged under a plurality of recesses formed in the periphery of the sealing drum.

Regarding claim 4, the sealing device (51) comprises a sealing roller with sealing strips on its periphery for sealing the first and second continuous wrapping films (10, 11) together around each of the measured-out amounts of the magnetic powder.

Regarding claim 5, Saito, as mentioned above, discloses all the claimed limitations of the method claim 5.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito (6591584).

Saito discloses a continuous wrapping machine and method for wrapping a magnetic powder (see col. 4, lines 56-57) in wrapping film comprising a measuring drum (2, fig. 1), a sealing drum (41, fig. 1), and a sealing device (51, fig. 1), the measuring

drum including a means for retaining measured-out amounts of the magnetic powder on its periphery (see col. 4, lines 56-60) and a means to transfer the measured-out amounts of the magnetic powder to the sealing drum (41), the sealing drum including a means for retaining the measured-out amounts of the magnetic powder (42, fig. 1) on a first continuous wrapping film (101', fig. 1) fed onto its periphery, the sealing device (51) sealing the first continuous wrapping film and a second continuous wrapping film (102', fig. 1), which is fed onto the measured-out amounts of the magnetic powder on the sealing drum, together around each of the measured-out amounts of the magnetic powder. Regarding means of cutting off the retaining means, it is inherent, because it not possible to transfer the product from the measuring drum (2) to the sealing drum (41) without cutting off magnetic force of the measuring drums.

Regarding claim 2, the measuring drum's means for retaining the measured-out amounts of the magnetic powder comprises magnets (see col. 4, lines 56-59).

Regarding claim 3, the sealing drum's means for retaining the measured-out amounts of the magnetic powder comprises magnets (42, fig. 1), which are arranged under a plurality of recesses formed in the periphery of the sealing drum.

Regarding claim 4, the sealing device (51) comprises a sealing roller with sealing strips on its periphery for sealing the first and second continuous wrapping films (101', 102') together around each of the measured-out amounts of the magnetic powder.

Regarding claim 5, Saito, as mentioned above, discloses all the claimed limitations of the method claim 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 are, alternatively, rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (6591584) in view of Japanese Patent (7-61414).

Saito, as mentioned above, discloses all the claimed limitations, except for the means for cutting off the retaining force of the retaining means to transfer the measured-out amounts of the powder to the sealing drum. However, Japanese Patent ('414) teaches a means (magnetism shielding plate 18 and 25, figs. 4 and 7 respectively) for cutting off the retaining force (magnetic force) of the retaining means (magnets 16 and 23, figs. 4 and 7 respectively) to transfer the measured-out amounts of the powder to the adjacent drum (see fig. 1). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to having provided the means for cutting off the retaining force (magnetic force) of the retaining means (magnets) to transfer the measured-out amounts of the powder to the adjacent drum as taught by Japanese Patent ('193) in the apparatus of Saito for cutting off the retaining force (magnetic force of the measuring drum) of the retaining means (magnets) to transfer the measured-out amounts of the powder to the sealing drum.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (703) 308-5830. The examiner can normally be reached on 7:00 AM-5: 30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hemant M Desai
Examiner
Art Unit 3721

HMD